



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
WASHINGTON, DC 20380-0001

MCO 4200.31  
LBP  
21 Dec 92

MARINE CORPS ORDER 4200.31

From: Commandant of the Marine Corps  
To: Distribution List

Subj: UNSOLICITED PROPOSALS

Ref: (a) Federal Acquisition Regulation (FAR)  
(b) Defense FAR Supplement (DFARS)

1. Purpose. To provide guidance on how to process unsolicited proposals received from offerors by offices at Headquarters, Marine Corps (HQMC). The procedures in this Order do not apply to advertising materials, commercial product offers, contributions, and technical correspondence received by offices at HQMC.

2. Cancellation. HQO 4280.1B.

3. Definitions

a. Unsolicited Proposal. A written proposal submitted to an agency for the purpose of obtaining a Government contract and is not in response to a formal or informal request (except an agency's request publicizing a general statement of needs). A valid unsolicited proposal must:

- (1) Be innovative and unique.
- (2) Be independently originated and developed by the offeror.
- (3) Be prepared without Government supervision.
- (4) Include sufficient detail so that the Government can determine if support is worthwhile, and whether the proposed work could benefit the agency's research and development or other mission responsibilities.
- (5) Not be an advance proposal which can be acquired by competitive methods for an agency requirement validated by MCCDC.

b. Advertising Material. Material designed by a prospective contractor which presents products or potential capabilities, or determines the Government's interest in buying these products.

c. Commercial Product Offer. Commercial product offered by a vendor which could be an alternate or replacement for an existing Government supply item.

d. Contribution. Concept, suggestion, or idea presented to the Government for its use with no indication that the source intends to devote any further effort to it on the Government's behalf.

e. Technical Correspondence. Written requests for information regarding Government interest in research areas or, submission of research descriptions, preproposal explorations, and other written technical inquiries.

f. The term "agency's request publicizing a general statement of needs," as used in paragraph 3a, refers to any method of publicizing planned Marine Corps requirements or areas of interest for the purpose of obtaining a broad base of the best contractor sources. An example would be the early identification and publication in the "Commerce Business Daily" of Marine Corps research and development needs and requirements as authorized by paragraphs 5.205 and 35.004 of reference (a).

#### 4. Background Information

a. Unsolicited proposals are a valuable means by which the Marine Corps may obtain, from sources outside the Government, innovative or unique methods or approaches which aid in the accomplishment of the Marine Corps mission.

b. Advertising materials, commercial product offers, contributions, and technical correspondence as defined in reference (a), paragraph 15.501 are not unsolicited proposals.

c. Department of Defense (DoD) policy and procedures regarding unsolicited proposals are set forth in subpart 15.5 of reference (a) as supplemented by subpart 215.5 of reference (b). The information required in an unsolicited proposal to permit its consideration in an objective and timely manner is outlined in paragraph 15.505 of reference (a).

#### 5. Actions Required

a. When receiving an unsolicited proposal at Headquarters Marine Corps, forward the documents to the Deputy Chief of Staff for Installations and Logistics (DC/S I&L) (LB-2) for acknowledgment, coordination, and appropriate disposition.

b. DC/S I&L (LB-2) shall determine if the unsolicited proposal:

- (1) Contains sufficient technical and cost information.

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(2) Is approved by a responsible official or other representative authorized to contractually obligate the offeror.

(3) Complies with the marking requirements of paragraph 15.509 of reference (a) regarding use and disclosure of data in the proposal.

c. If the proposal meets these requirements, DC/S I&L (LB-2) shall acknowledge and process the proposal. If the proposal does not, DC/S I&L (LB-2) shall provide the offeror an opportunity to submit the required data.

d. Before processing the proposal for evaluation, DC/S I&L (LB-2) shall attach or imprint on each unsolicited proposal the appropriate "UNSOLICITED PROPOSAL - USE OF DATA LIMITED" legend required by paragraph 15.509 (d) of reference (a).

e. If the unsolicited proposal is for research, development or major weapons system related, DC/S I&L (LB-2) shall forward the proposal to the Commander, Marine Corps Systems Command (MARCORSYSCOM) for further action.

f. Unsolicited proposals determined to be acceptable for consideration shall be forwarded by DC/S I&L (LB-2) to an appropriate Headquarters staff office or cognizant command such as MARCORSYSCOM for comprehensive evaluation and possible sponsorship of the proposal.

g. Evaluation

(1) The Marine Corps is not required to perform comprehensive evaluations of unsolicited proposals which are not related to the Marine Corps mission. If such proposals are received, DC/S I&L (LB-2) shall reply to the offeror, stating how the Marine Corps interprets the proposal and why it is not being evaluated.

(2) When performing a comprehensive evaluation of an unsolicited proposal, evaluators shall comply with any restricted use legends on the proposal and shall consider the following factors, in addition to any others appropriate for the particular proposal:

(a) Unique and innovative methods, approaches, or concepts demonstrated by the proposal.

(b) Overall scientific, technical, or socioeconomic merits of the proposal.

(c) Potential contribution of the effort to the Marine Corps specific mission.

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(d) The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives.

(e) The qualifications, capabilities, and experience, of the proposed principal investigator, team leader, or key personnel who are critical in achieving the proposal objectives.

(3) When the evaluation is completed, the evaluators shall notify DC/S I&L (LB-2) of their conclusions and recommendations. DC/S I&L (LB-2) shall notify the offeror of the conclusions of the evaluation and the intended disposition of the material submitted.

h. Contracting

(1) A favorable comprehensive evaluation of an unsolicited proposal does not, in itself, justify awarding a contract without providing for full and open competition. DC/S I&L (LB-2) shall return an unsolicited proposal to the offeror, citing reasons, when the product/services:

(a) Are available to the Government without restriction from another source.

(b) Closely resembles a pending competitive acquisition requirement.

(c) Does not demonstrate an innovative and unique method, approach, or concept or is not useful to the Marine Corps.

(2) The unsolicited proposal shall be assigned to a contracting officer who may commence negotiations only when:

(a) It has received a favorable comprehensive evaluation.

(b) It is not of the character described in paragraph 5h(1).

(c) The technical office sponsoring the contract supports its recommendation with a justification for other than full and open competition, as described by paragraph 6.303-2(a) of reference (a), including the evaluation factors in paragraph 5g(2) and a certification of complete and accurate data as described by paragraph 6.303-2(b) of reference (a).

(d) The technical office sponsoring the contract furnishes the necessary funds.

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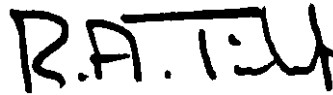
(e) The contracting officer has complied with the synopsis requirements of subpart 5.2 of reference (a).

(f) The contracting officer has executed any justification and obtained any approval or determination and findings required by subpart 6.3 of reference (a).

(g) Contracts for studies, analyses, or consulting services (See reference (a), subpart 37.2) shall not be entered into without competition on the basis of an unsolicited proposal unless the Head of the Contracting Activity (Commandant of the Marine Corps, COMMARCORSYSCOM, or DC/S I&L) or his designee (Director, Contracts Division, I&L Department) has made the determination described by reference (b) paragraphs 206.302-1 and 215.507.

(3) If the unsolicited proposal is acceptable for award without competition, the contracting officer and the offeror shall use the proposal as the basis for negotiation.

6. Prohibitions. Marine Corps personnel are subject to the prohibitions on use and disclosure of data from unsolicited proposals described in paragraph 15.508 of reference (a).



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